

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Ellen Wright, :
Appellant :
v. : No. 922 C.D. 2025
Town of McCandless : Submitted: September 14, 2026

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE STACY WALLACE, Judge
HONORABLE STELLA M. TSAI, Judge

OPINION

BY JUDGE McCULLOUGH

FILED: October 28, 2026

Ellen Wright (Appellant) appeals *pro se* from the June 23, 2025 order entered by the Court of Common Pleas of Allegheny County (trial court) quashing her statutory appeal challenging an ordinance and resolution adopted by the Town of McCandless (Town) as untimely pursuant Section 5571.1(b)(1) of the Judicial Code,¹ with no applicable exception to the 30-day appeal period. After careful review, we affirm.

Background

This appeal arises from the Town’s adoption of Ordinance No. 1555 (Ordinance) concerning grading requirements, and Resolution 2025-02 (Resolution), adopting an appointment policy for its boards, commissions and special committees. (Reproduced Record (R.R.) at 11a-13a.) The Town provided notice of the upcoming public Town Council meetings on the Ordinance in the January 23, 2025 edition of the *Pittsburgh Post-Gazette*. (R.R. at 107a.) At its March 10, 2025 meeting, the Town

¹ See 42 Pa.C.S. § 5571.1(b)(1) (providing that challenges to the procedural validity of ordinances must “be brought within 30 days of the intended effective date of the ordinance”).

Council heard public comment on the Ordinance and Resolution, including from Appellant, who was present and spoke about her concerns. (R.R. at 28a.) At the conclusion of the meeting, the Town Council adopted the Ordinance and Resolution by a unanimous vote of six to zero. (R.R. at 30a.) Both the Ordinance and the Resolution expressly included an intended effective date of March 10, 2025. (R.R. at 12a, 14a.)

On April 10, 2025, Appellant filed a statutory appeal challenging the procedural validity of the Ordinance and Resolution in the trial court. Appellant chiefly claimed the enactment process was defective because the Town Planning Commission did not review the Ordinance and Resolution at any time prior to the Town Council vote on the matter.² On May 20, 2025, the Town filed a motion to quash the appeal as untimely for Appellant's failure to comply with Section 5571.1(b)(1) of the Judicial

² Specifically, Appellant asserted the Town's actions were contrary to law because:

- (a) The Resolution 2025-02 misstates that the Town did not have an Appointment Policy and omits the 2016, 2018 and 2022 Appointment Policies;
- (b) The Public Hearing for the Grading, Excavation, and Fill Ordinance #1555 happened prior to the Planning Commission review;
- (c) The Planning Commission review lacked a formal presentation;
- (d) The Planning Commission review only partially reviewed the Grading Permit since the actual permit was not reviewed; and,
- (e) The stated reasons for repealing and replacing the Ordinance #1555 do not align with the purpose of Ordinance #1555.

(R.R. at 9a, Appellant's Statutory Appeal); *see also* R.R. at 127a (Appellant's Answer to Motion to Quash indicating that the Ordinance was not reviewed by the Planning Commission at any time).

We note that the record does not support these claims, as the meeting minutes from the March 10, 2025 Town Council meeting state that the Planning Commission had reviewed the Ordinance and proposed no changes. (R.R. at 30a.)

Code. Appellant filed a response generally denying that her appeal was untimely. However, Appellant did not address Section 5571.1, any exception to its 30-day appeal deadline, or any other legal authority pursuant to which her appeal was timely. (R.R. at 124a-28a.) On June 23, 2025, the trial court issued an order quashing the appeal as untimely.

Appellant appealed from the trial court's order to this Court. On September 17, 2025, the trial court entered an opinion explaining that it quashed Appellant's statutory appeal pursuant to Section 5571.1(b)(1) because the 30-day deadline for filing a timely appeal closed on April 9, 2025, and Appellant did not file her appeal until April 10, 2025. The trial court additionally concluded Appellant failed to establish any defect in the Town's enactment procedure entitling her to an exemption from the timeliness requirement under Section 5571.1(c) of the Judicial Code.³ (R.R. at 145a-46a.)

Issues

Appellant contends the trial court erred in quashing her appeal because, contrary to the trial court's finding, the appeal period began on March 11, 2025, not on March 10, 2025. Appellant maintains the trial court's reliance on Section 5571.1 to compute the appeal period was problematic, and points to various other time computation methods under state and federal law. (Appellant's Br., at 10-12.)

Appellant additionally raises a constitutional challenge to the Town's enactment process, thereby invoking application of an exemption to the 30-day filing requirement. Specifically, Appellant asserts the Town did not follow appropriate post-

³ Section 5571.1(c) of the Judicial Code provides a limited exemption to the 30-day appeal period under circumstances where a party demonstrates that, "because of the particular nature of the alleged defect in statutory procedure, the application of the time limitation under subsection (b) would result in an impermissible deprivation of constitutional rights." 42 Pa.C.S. § 5571.1(c).

enactment procedures in adopting the Ordinance and Resolution and violated the Town residents’ due process rights by failing to advertise the measures *after* they were adopted. (Appellant’s Br., at 13.)⁴

Analysis

We begin by observing that Section 5571.1 of the Judicial Code “imposes time limits, other limitations, burdens of proof, procedures and presumptions that apply to ‘**any appeal** raising questions relating to an alleged defect in the process of or procedure for enactment or adoption of any ordinance, resolution, map or similar action of a political subdivision.’ 42 Pa.C.S. § 5571.1.” *Northwest Wissahickon Conservancy, Inc. v. Philadelphia City Planning Commission*, 64 A.3d 1135, 1142 (Pa. Cmwlth. 2013) (emphasis added).⁵ This provision “embodies the legislative intent to promote the finality of enactment of ordinances[.]” *Id.* Additionally, “[w]here, as here, the right to appeal is statutory, the appellant must act in strict accordance with the governing statutory provisions.” *South Chester County Concerned Citizens Organization v. Zoning Board of Lower Oxford Township*, 937 A.2d 1141, 1143 (Pa. Cmwlth. 2007). “The timeliness of an appeal and compliance with the statutory provisions that grant the right of appeal go to the jurisdiction of the court and its competency to act.” *Id.*

Section 5571.1(b) states as follows:

⁴ “This Court’s standard of review of a trial court’s order granting a motion to quash an appeal is limited to determining whether the trial court committed an error of law, an abuse of discretion, or a violation of constitutional rights.” *Gates v. City of Pittsburgh Historic Review Commission*, 254 A.3d 803, 808 n.6 (Pa. Cmwlth. 2021). To the extent this appeal involves statutory interpretation, “our standard of review is *de novo* and our scope of review is plenary.” *Uniontown Newspapers, Inc. v. Pennsylvania Department of Corrections*, 243 A.3d 19, 24 n.4 (Pa. 2020).

⁵ Section 5571.1(g) of the Judicial Code defines the term “Ordinance” broadly to include “[a]n ordinance, resolution, map or similar action of a political subdivision.” 42 Pa.C.S. § 5571.1(g).

(b) Appeals of defects in statutory procedure.--

(1) **Any appeal** raising questions relating to an alleged defect in statutory procedure shall be brought within **30 days of the intended effective date of the ordinance**.

(2) Except as provided in subsection (c), it is the express intent of the General Assembly that this 30-day limitation shall apply regardless of the ultimate validity of the challenged ordinance.

42 Pa.C.S. § 5571.1(b)(1)-(2). Thus, under the operative provisions, any appeal raising questions relating to an alleged defect in statutory procedure concerning an ordinance or resolution must be brought within 30 days of the intended effective date, and it is the express intent of the General Assembly that this 30-day limitation apply regardless of the ultimate validity of the challenged enactment. *See id.* Additionally, the phrase “[i]ntended effective date” as used in Section 5571.1(b)(1) is defined as follows:

Notwithstanding the validity of the challenged ordinance, **the effective date specified in the challenged ordinance** or, if no effective date is specified, the date 60 days after the date the ordinance would have been finally adopted but for the alleged defect in the process of enactment or adoption.

42 Pa.C.S. § 5571.1(g) (emphasis added).

Here, as the trial court observed, both the Ordinance and the Resolution specifically included an intended effective date of March 10, 2025. (R.R. at 12a-14a.) Therefore, the appeal period began to run on that date, and expired 30 days later, on April 9, 2025. (R.R. at 146a.) Because Appellant did not file her appeal until April 10, 2025, it was facially untimely. While Appellant attempts to circumvent this timeliness requirement by citing various inapplicable state and federal provisions, we agree with the trial court that Section 5571.1 of the Judicial Code clearly controls, as

by its plain language it encompasses “any appeal” raising a procedural challenge to an ordinance. 42 Pa.C.S. § 5571.1(b)(1).

With respect to Appellant’s constitutional claim, Section 5571.1(c) provides a limited mechanism for an untimely challenge to the enactment process of an ordinance, as follows:

(c) Exemption from limitation.--An appeal shall be exempt from the time limitation in subsection (b) if the party bringing the appeal establishes that, **because of the particular nature of the alleged defect in statutory procedure, the application of the time limitation under subsection (b) would result in an impermissible deprivation of constitutional rights.**

42 Pa.C.S. § 5571.1(c) (emphasis added).

Therefore, “[w]hen a party seeks to bring a procedural challenge under Section 5571.1 of the Judicial Code beyond the thirty-day limitation period, a party must first demonstrate that ‘because of the alleged defect in statutory procedure, the application of the [thirty-day] time limitation . . . would result in an impermissible deprivation of constitutional rights.’” *Bartkowski Investment Group, Inc. v. Board of Commissioners of Marple Township*, 18 A.3d 1259, 1264 (Pa. Cmwlth. 2011) (quoting Section 5571.1(c) of the Judicial Code).

Instantly, Appellant argues for the first time on appeal that an impermissible deprivation of Town residents’ constitutional rights occurred because the Town failed to engage in “post enactment public advertisement” of the Ordinance and Resolution. (Appellant’s Br., at 13.) However, the Town rejoins that Appellant waived this contention on appeal for her failure to raise it before the trial court. (Town’s Br., at 16.) We agree with the Town, as our review of the record demonstrates that Appellant did not raise this post-enactment advertisement claim at any point during

the trial court proceedings. Therefore, her argument is waived and cannot be addressed for the first time on appeal. *See* Pa.R.A.P. 302(a) (“Issues not raised in the trial court are waived and cannot be raised for the first time on appeal.”); *see also City of Pittsburgh v. Workers’ Compensation Appeal Board (Wright)*, 90 A.3d 801, 811 (Pa. Cmwlth. 2014) (concluding the claimant waived his issue on appeal for failing to raise it during the proceedings below and stating “[i]f an issue is waived, it is waived for all purposes”). Accordingly, because Appellant’s statutory appeal was untimely pursuant to Section 5571(b)(1) of the Judicial Code, with no exception to the 30-day appeal period established, we affirm trial court’s order quashing the appeal.

PATRICIA A. McCULLOUGH, Judge

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Ellen Wright,	:	
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	:	
Town of McCandless	:	

ORDER

AND NOW, this 28th day of October, 2026, the Order of the Court of Common Pleas of Allegheny County dated June 23, 2025, is hereby AFFIRMED.

PATRICIA A. McCULLOUGH, Judge